

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

In re TYRELL S., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

TYRELL S.,

Defendant and Appellant.

A126224

(Contra Costa County
Super. Ct. No. J08-00244)

Defendant Tyrell S. appeals from the juvenile court's order continuing his probation to the age of 21. His appointed counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), in which he raises no issue for appeal and asks this court for an independent review of the record. (See also *People v. Kelly* (2006) 40 Cal.4th 106 (*Kelly*).) Counsel has represented that defendant has been informed of his right to file a supplemental brief. We have received no such brief.

Having reviewed the entire record in accordance with *Wende*, *supra*, and *Kelly*, *supra*, we agree with counsel that no arguable issue exists on appeal. Accordingly, we affirm the juvenile court's order.

FACTUAL HISTORY AND PROCEDURAL BACKGROUND

On October 4, 2007, defendant was detained by a police officer when he fled from the scene of a suspected drug deal. He was handcuffed and placed in the back of a police car. After about five minutes, the officer asked him if he was carrying any drugs.

Defendant responded that he had 15 rocks. Shortly thereafter, he pulled from his pants a baggie containing several hard, off-white objects that the officer believed were pieces of rock cocaine. A baggie containing small ziplock baggies of suspected marijuana was also recovered at the scene.

On December 11, 2007, a petition was filed pursuant to Welfare and Institutions Code section 602, subdivision (a), alleging a single felony count of possession of cocaine for sale (Health & Saf. Code, § 11351.5).

On January 4, 2008, the petition was orally amended to allege a single misdemeanor count of possession of marijuana (Health & Saf. Code, § 11357, subd. (b)). Defendant admitted the allegation as true. He was released to his mother on home supervision.

A dispositional hearing was held on April 14, 2008. Defendant was adjudged an indefinite ward of the court and placed on probation in his mother's custody. The conditions of probation included a curfew, substance abuse counseling, drug testing, and a COPS class.

On April 9, 2009, a notice of probation violation was filed alleging that defendant had run away from home, twice failed to appear for scheduled classes in 2008, and failed to obtain a substance abuse assessment.

A hearing on the alleged probation violation was held on April 22, 2009. Defendant appeared with his mother. The probation violation was sustained as amended and he was again ordered to participate in substance abuse counseling.

On July 1, 2009, a second notice of probation violation was filed. The notice alleged that defendant had again run away from home, failed to enroll in substance abuse counseling, failed to drug test, and failed to appear for his COPS class. The court issued a bench warrant for his arrest. The warrant was subsequently recalled because the marijuana offense defendant admitted carries no custody time.

On July 17, 2009, the probation violation hearing was held, but neither defendant nor his mother attended. The juvenile court dismissed the alleged violation allegation without prejudice.

Another notice of probation violation was filed on August 31, 2009. The notice alleged that defendant failed to keep two appointments with his probation officer earlier in August.

The hearing on the alleged probation violation was held on September 18, 2009. Again, neither defendant nor his mother attended. Defense counsel urged the juvenile court to vacate and dismiss the section 602 petition and discontinue probation because, although defendant had failed to comply with the conditions of his probation, he had not reoffended. The court ruled that its prior orders would remain in effect and that defendant would remain on probation until age 21. This appeal followed.

DISCUSSION

Neither appointed counsel nor defendant has identified any issue for our review. Upon our own independent review of the entire record, we agree none exists. (*Wende, supra*, 25 Cal.3d 436, 441–442; see also *Kelly, supra*, 40 Cal.4th 106, 123–124.) Defendant was represented by counsel and received fair jurisdictional and dispositional hearings. The juvenile court acted within its discretion in imposing the conditions of probation on him. Substantial evidence supports the court’s finding that he repeatedly violated his probation.

Having ensured defendant received adequate and effective appellate review, we thus affirm the juvenile court’s order continuing his probation to age 21.

DISPOSITION

The order continuing defendant’s probation to age 21 is affirmed.

Dondero, J.

We concur:

Marchiano, P. J.

Margulies, J.

In re Tyrell S.; People v. Tyrell S., A126224